Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Dkt. No. 06-203
Governing Hearing Aid-Compatible Telephones	)	
	)	
	)	

Reply Comments of
Hearing Loss Association of America,

Introduction

The Hearing Loss Association of America (HLAA) submits reply comments in response to the Federal Communications Commission's (FCC or Commission) Notice of Proposed Rulemaking (NPRM) on current and future requirements for public mobile service telephones to be hearing aid compatible. HLAA also submitted comments during the first stage of this comment period.

Status of Negotiations

Negotiations between wireless carriers, manufacturers and consumer representatives have been taking place since November 2006. All stakeholders are committed to coming to agreement on requirements for HAC wireless devices going beyond the 2006 FCC rules. We have not yet come to consensus on specific numbers. We have, however, agreed on basic principles for hearing aid compatibility requirements. The principles are attached to these comments

as Appendix 1. All stakeholders have also agreed to continue negotiating in good faith to reach a final agreement.

Hearing Aid Immunity

As both the Hearing Access Program and the Technology Access Program of Gallaudet University stated in their comments the hearing aid industry still does not test and label their products. Hearing aid manufacturers tell us approximately 80% of newer hearing aids have an immunity of M2 or better. This theoretically means that more phones would be HAC than those rated M3 and M4. But to date, consumers have no way of knowing this as hearing aids are still not labeled. It appears that the hold up with labeling has occurred because the FDA recently rejected the hearing aid manufacturers' request for clarification of the FDA's rules to allow for the labeling of devices without fear of repercussions resulting from possible charges of false claims by a wireless device purchaser. Though the FCC does not have authority over the FDA, given that usability of wireless devices does depend also on hearing aid immunity, HLAA recommends that the FCC at the very least, requests an update on the status of negotiations re labeling of hearing aids from the FDA.

Technical and Design Solutions to the HAC Problem

Three commenters, the Hearing Access Program, Hearing Industries Association and the Technology Access Program of Gallaudet University, questioned the extent of the wireless manufacturers' effort to solve interference and telecoil coupling, especially for the more challenging GSM. Clearly, progress has been made, as more phones are accessible to hearing aid wearers. Granted more of them run on CDMA systems and are clam shell phones but there are also GSM phones rated M3. It would be productive, given the skepticism expressed during the initial comment period, to have manufacturers disclose what they have done. Up to now they have resisted this for obvious competitive reasons. Even in the status report submitted to the FCC, only one manufacturer, LG, actually documented what they have tried technically. Other manufacturers talked in more general terms about what they have done – participating in working groups and conducting tests at consumer conventions, for example. In the White Paper submitted by ATIS, the focus was on describing a myriad of challenges, and Sony Ericsson, in its comments, spells out various factors that constrain industry's ability to comply. Since the rule applies to most service providers and manufacturers it would seem logical to pool expertise and get the solutions in place. We are asking for transparency – specific information about what is being done to overcome the technical barriers or complications - to assure the FCC, research programs, and consumers that best efforts are taking place.

Access to New Technologies

In their comments, the Hearing Access Program, pointed to the important issue of ensuring that consumers with hearing loss have access to new technologies. This is a topic to which HLAA requests the FCC pay particular attention. Though stakeholders are working toward trying to reach agreement on requirements beyond 2006, we are all aware how quickly new technologies arrive on the scene. Unless manufacturers are serious about incorporating accessible design at the outset, customers with hearing loss will always be left behind. In the stakeholder dialogue that industry and consumers have been having, the question arose whether "HAC is an absolute gate for the introduction of new technology?" The business and consumer perspectives differ on this point. When companies fight to be the first to introduce a new product or new technology anything, especially HAC, that can hold them up will undoubtedly be a low priority – rule or no rule. On the other hand, clearly Congress intended for people with hearing loss to have equal access to the nation's telephone system when it created the HAC obligations. Yet the "system" is no longer just POTS; it has migrated rapidly to wireless services as evidenced both by the number of people who now use wireless devices and by the percent of our population that is abandoning wireline service altogether in their homes.

CDMA, iDen, GSM, and UMTS, are the new POTS and undoubtedly more operating systems are on the horizon. It is critical that people with hearing loss have access to telephone services no matter what the air interface. HAC must be taken into consideration when designing phones that work with these new technologies, and evidence as to why it may or may not be feasible to incorporate such compatibility must be revealed. Unfortunately, design trends appear to be on a collision course with HAC. Industry has repeatedly told consumers that what customers want in a handset is thin and metallic with a large display. Smart phones are increasingly small with relatively big screens. The Hearing Loss Association is concerned that manufacturers are moving forward with designs that they claim cannot be made HAC.

Apple has now entered the scene and is predicted to shake up the entire wireless industry. Yet they are not, nor have ever been, involved in any discussions regarding HAC requirements. Their new iPhone has been rolled out on a GSM network and is not rated for HAC. This is one example of what we are facing. Similarly, it is not clear that manufacturers of phones used with VoIP services are even aware of the need to make their phones compatible with hearing aids. We urge the FCC to require industry to ensure that people with hearing loss are not left behind as these and other new technologies continue to evolve.

Petitions for Waivers of HAC Rules

Numerous wireless carriers have petitioned the FCC seeking waivers or stays of the September 18, 2006 deadline of the FCC rule requiring handsets with telecoil coupling. We still await a decision by the FCC on these waiver requests. The Hearing Loss Association together with Telecommunications for Deaf and Hard of Hearing Inc., have opposed these requests for waivers because they are not in the public interest. However, as we have previously stated, should the FCC determine that some or all of these petitions have merit, it should address them on a case-by-case basis and restrict any grants of waivers to a limited period of time. The HAC benchmarks for telecoil compatibility that are now in place were phased in over a long period of time that have already provided wireless carriers ample time to comply. Many of the petitioners have attempted to justify their waivers on the claim that compliant handsets were not available to them. To the extent that this was a distribution problem, the FCC needs more information about what occurred, as well as its impact on smaller carriers.

Telecoil Coupling in Handsets

Telecoil coupling can greatly enhance the ability of hearing aid users with more severe hearing loss to hear on a telephone – wireless or wireline. The activated telecoil reduces background noise, prevents feedback and gives a direct feed from the telephone signal to the hearing aid. In a sense, it acts like a "binoculars" for the ear. The current mandate for only two handsets in each air interface to have telecoil coupling is simply not enough to give consumers

choice. The Hearing Loss Association will most definitely be working with industry to increase this number so that access is brought to more people with hearing loss. It appears that although building in telecoil coupling may take a small design change and add a little cost onto the production of the handset, it is technically feasible. As such, HLAA feels very strongly that this feature should be added to more handsets, and will continue to work with industry to achieve that result.

2007 Version of ANSI C63.19 Standard

HLAA supports the Technology Access Program of Gallaudet University's request that the FCC adopt the 2007 version of ANSI C63.19 with adjusted signal to noise ratio for telecoil compatibility when the new version is approved by the ANSI standard's body.

Thank you for the opportunity to comment in this proceeding that has very real implications for the 31 million Americans with hearing loss.

Respectfully submitted,

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Appendix 1

HAC Principles- FINAL- January 30, 2006
AISP.4-HAC WG10 and Consumers

(1) The wireless industry and advocates for consumers with hearing aids are continuing to work together to address concerns of wireless consumers with hearing aids. All parties agree that recommendations for specific FCC rule changes regarding numbers of HAC devices are premature and cannot be included in reply comments based on the on-going dialogue. Such recommendations will be filed in the near future either as a single agreement or in separate filings.

(2) The ongoing dialogue between the wireless industry and advocates for consumers with hearing aids has been valuable and has afforded all parties with opportunities to better understand each others' needs and concerns. The wireless industry better understands the needs of consumers with hearing aids in terms of the types of devices and services that are desired for making and receiving calls. Advocates for consumers with hearing aids better understand the technical challenges and operational complexities underlying the offering of HAC devices and services.

(3) HAC wireless devices should support US bands. Design changes for HAC should not diminish the overall performance of the devices.

(4) In achieving an appropriate balance between consumers with hearing aids and technical challenges faced by the wireless industry, the FCC's HAC requirements beginning in 2008 may need to be revised to reflect a reduction in the required minimum number of M-rated devices accompanied by an increase in the required minimum number of T-rated devices.

(5) Notwithstanding the benchmarks and minimum requirements set forth in number (4) above, it is understood that the wireless industry has an obligation to incorporate HAC wherever readily achievable.

(6) The wireless industry is committed to offering all consumers, including those who wear hearing aids, a broad array of handset devices and services. Tier 1 service providers agree to include in their annual reports to the FCC information on product "tiering" of HAC wireless devices available to consumers.

(7) The wireless industry and advocates for consumers with hearing aids agree there is a need to regularly "refresh" offerings of HAC devices. New technologies should also incorporate FCC HAC requirements to reflect advancements available in the mass market.

(8) The wireless industry and advocates for consumers with hearing aids agree that there should be a review of HAC milestones at a future date.